

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/821,082 Confirmation No. 1136
Applicant : POLAN
Filed : 08 April 2004
TC/A.U. : 4152
Examiner : GREENE, JOSEPH L.
Docket No. : CA920030071US1

SUMMARY OF EXAMINER INTERVIEW

Commissioner for Patents
VIA EFS-WEB FILING
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith a summary of the telephonic interview conducted with the Examiner on 12 November 2009 (the “Interview”) pursuant to 37 CFR § 1.133(b) and requests this Summary be made of record within the Application pursuant to MPEP § 713.04.

The Examiner telephoned counsel in order to discuss further amendments to the claims as amended 08 August 2009 to put the claims in condition for allowance. Applicant’s representative, Scott M. Garrett, and Examiner Joseph Greene were participants of the conference.

Two changes were discussed during the conference with regard to claim 1. First, the Examiner felt that, despite Applicant’s amendment of claim 1 to address the non-statutory subject matter rejection, that the claim amendment had not obviated the rejection, and suggested changing the preamble from “implemented in hardware” to “implemented as hardware.” Counsel approved this change.

Second, Examiner indicated that the term “approximation,” read under the broadest reasonable interpretation standard, read on prior art, but that the approximations described in the specification were not in the prior art. Accordingly, Examiner Greene suggested adding definitional language to recite the two alternative approximations described in the specification, and proposed specifically adding “where the step of approximating is at least one of: using the initial data that was passed to the failing node as the approximate result or using the last received previously cycled result from a failing node that has successfully cycled more than once as the

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approximate result.” Since the specification does not offer any other form of approximation, and it is clear that the intent is to use previously calculated results as the approximation, Counsel agreed.

Examiner agreed to enter the changes by examiner's amendment, and indicated the application would then be passed to allowance.

The Applicant requests that the Examiner call the undersigned (954-745-0374) if clarification is needed on any matter within this Summary, or if the Examiner believes any further telephone interview is necessary regarding the prosecution of the subject application.

Respectfully submitted,

Date: 12 November 2009

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